

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
December 23, 2024  
LAURA A. AUSTIN, CLERK  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>MARVIN MAURICE MOORE,</b>	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 7:24cv00541</b>
	)	
<b>v.</b>	)	<b>OPINION and ORDER</b>
	)	
<b>D.O.C.,</b>	)	<b>By: Robert S. Ballou</b>
<b>Defendant.</b>	)	<b>United States District Judge</b>

Plaintiff Marvin Maurice Moore, a Virginia inmate proceeding *pro se*, has filed a civil rights action against the defendant under 42 U.S.C. § 1983. The Department of Corrections, or D.O.C., is a state agency. As such, the D.O.C. is immune from suit under the Eleventh Amendment unless the state consents to the suit. *Alabama v. Pugh*, 438 U.S. 781, 781 (1978) (per curiam) (stating “[t]here can be no doubt that suit against the State and its Board of Corrections is barred by the Eleventh Amendment, unless [the state] has consented to the filing of such a suit.”). Further, the court cannot determine exactly what conduct Moore is complaining about, other than that he has been given “the run around” at all seven prisons he has been transferred to; he has made no factual allegations to show that a person acting under color of state law has violated his constitutional rights, which is required to state a claim under § 1983.

Pursuant to 28 U.S.C. § 1915A(b)(1), the Complaint is **DISMISSED with prejudice** for failure to state a claim for which relief may be granted. The Clerk is directed to **STRIKE** this matter from the court’s docket.

The Clerk is further directed to send a copy of this Opinion and Order to Moore.

Enter: December 20, 2024

*/s/ Robert S. Ballou*

Robert S. Ballou  
United States District Judge